

REMARKS

Applicants are presently amending claim 62, subsequent to issuance of the Notice of Allowance and Fee(s) Due mailed February 4, 2004, to recite that the yeast "has" ferulic acid decarboxylase activity (rather than the yeast "is" ferulic acid decarboxylase activity). The need for this amendment of claim 62 has only recently been discovered, and it is necessary since the yeast is a source of the ferulic acid decarboxylase, and is not the enzyme itself; and this amendment of claim 62 makes claim 62 consistent with the description, e.g., at page 9, lines 6-10, of Applicants' specification.

Initially, it is respectfully requested that the present amendment of claim 62 be entered, prior to issuance of a U.S. patent based upon the above-identified application. In this regard, it is respectfully submitted that this amendment of claim 62 is necessary in order to further clarify the subject matter of claim 62, such that claim 62 is made clearly consistent with Applicants' specification, as discussed previously. Thus, it is respectfully submitted that the present amendment of claim 62 is needed for more proper protection of the invention. Noting especially that claim 62 is a dependent claim, and as amended is clearly consistent with Applicants' specification, as indicated previously, it is respectfully submitted that presently amended claim 62 is clearly allowable for the reasons that claim 62 as previously considered was allowed, including allowance of the parent claim thereof. Clearly, since claim 62 is a dependent claim, clearly supported by Applicants' original disclosure, it is respectfully submitted that amended claim 62 will require no additional search or examination, being allowable for reasons as set forth previously herein. In addition, it is respectfully submitted that the present amendments are

timely, it being noted that the desirability of amendment of claim 62 only became clear recently, after allowance of all claims in the above-identified application, such that the present Amendment constitutes Applicants' first opportunity to amend claim 62 subsequent to realization of the need for amendment thereof.


In view of all of the foregoing, it is respectfully submitted that Applicants have made the necessary showing under 37 CFR § 1.312; and that, accordingly, entry of presently amended claim 62 is clearly proper.

In view of all of the foregoing, entry of the present amendments, and, subsequent thereto, issuance of a U.S. patent based upon the above-identified application, in due course, are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 506.39933X00), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By 
William I. Solomon
Reg. No. 28,565

1300 North Seventeenth Street
Suite 1800
Arlington, Virginia 22209
Telephone: (703) 312-6600
Facsimile: (703) 312-6666
WIS/sjg